



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

FILED
MAY 15 2022
PURSUANT TO ROH Sec. 1-2.4

ORDINANCE _____
BILL **45(2020)**

A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 6, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO THE CITY AND COUNTY OF HONOLULU STORM WATER SPECIAL FUND.

BE IT ORDAINED by the People of the City and County of Honolulu (hereinafter "City"):

SECTION 1. Purpose. The purpose of this ordinance is to establish a Storm Water Special Fund to administer, manage, plan, design, construct, inspect, operate, and maintain the City storm water management systems and infrastructure to protect and enhance water quality, prevent localized and regional flooding, address drainage problems and aging infrastructure, protect watersheds, prepare for the long-term effects of climate change and sea level rise, replenish ground water supplies and prevent pollution from entering City streets, storm drains, streams, channels, ditches, drainage facilities and nearshore waters of Oahu in a manner pursuant to and consistent with the Clean Water Act (33 U.S.C. §1251 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the City storm drainage system.

SECTION 2. Chapter 6, Revised Ordinances of Honolulu 1990, is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

"Article __. Storm Water Special Fund

Sec. 6-___.1 Creation.

There is hereby created and established a special fund to be known as the "Storm Water Special Fund" (hereinafter "fund").

Sec. 6-___.2 Purpose.

The purpose of the fund is to support the administration, management, planning, design, construction, inspection, operation, and maintenance of the City storm water management systems and infrastructure to protect and enhance water quality, prevent localized and regional flooding, address drainage problems and aging infrastructure, protect watersheds, prepare for the long-term effects of climate change and sea level rise, replenish ground water supplies and prevent pollution from entering the City streets, storm drains, streams, channels, ditches, drainage facility and nearshore waters of Oahu in a manner pursuant to and consistent with the Clean Water Act (33 U.S.C. §1251 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the City storm drainage system.



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Sec. 6-____.3 Deposit.

There shall be deposited into the fund:

- (1) All fees, fines levied, and any other monies derived from the administration of the City Drainage, Flood and Pollution Control Program under the Department of Facility Maintenance and the Department of Planning and Permitting in accordance with and pursuant to Chapter 14, Article 12;
- (2) All fees, fines levied, and any other monies derived from the administration of the City General Provisions for Grading, Soil Erosion and Sediment Control program under the Department of Facility Maintenance and Department of Planning and Permitting in accordance and pursuant to Chapter 14, Article 13;
- (3) All fees, fines levied, and any other monies derived from the administration of City Maintenance of Channels, Streambeds, Streambanks and Drainageways under the Department of Facility Maintenance and in accordance with and pursuant to Chapter 41, Article 26; and
- (4) Any interest earned on monies deposited into this fund.

Sec. 6-____.4 Expenditures.

Expenditures from this fund shall be expended solely for the purpose of administering the City Storm Water Management Program and any related activities involving the planning, design, construction, inspection, operation and maintenance of the City storm water management systems and infrastructure, including, but not limited to, the costs of:

- (1) Administering and implementing the City National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit requirements, including, but not limited to, public education and outreach, public involvement/participation, illicit discharge detection and elimination, construction site runoff control, post-construction storm water management in new development and redevelopment, pollution prevention/good housekeeping, industrial and commercial activities discharge management program, City industrial facilities and other MS4 facilities, monitoring requirements, Total Maximum Daily Loads (TMDL) implementation, and monitoring program plans and reporting requirements;



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- (2) Administering rules and regulations relating to City storm water management systems and infrastructure, storm water quality, drainage, flooding, stream maintenance, watershed protection, ground water recharge, or rain/gray water capture, harvesting and reuse;
- (3) Issuing and processing permits for discharges, drain connections and other activities related to new development and redevelopment for both publicly and privately funded projects that affect the City storm water management systems and infrastructure or nearshore waters of Oahu;
- (4) Reviewing and approving storm water pollution prevention plans, spill response plans, erosion and sediment control plans and permanent best management practices plans that affect the City storm water management systems and infrastructure, or nearshore waters of Oahu;
- (5) Inspecting construction, post-construction and other ground-disturbing and land use work potentially impacting storm water quality and the City storm water management systems and infrastructure, or nearshore waters of Oahu;
- (6) Enforcing rules, regulations, permits and other requirements relating to City storm water management systems and infrastructure, storm water quality, drainage, flooding, stream maintenance, watershed protection, ground water recharge, and rain/gray water capture, harvesting and reuse;
- (7) Complying with Federal and State laws, regulations, permits, orders, agreements, and other authoritative decisions, directives or requirements pertaining to the City storm water management program;
- (8) Assessing, monitoring, testing, and conducting studies relating to storm water management systems and infrastructure, storm water quality, drainage, flooding, asset renewal and replacement, stream maintenance, watershed protection, ground water recharge, and rain/gray water capture, harvesting and reuse;
- (9) Planning, design, construction, operation and maintenance of City storm water improvements including, but not limited to, green infrastructure, retention/detention, infiltration, biofiltration, storm water treatment and source controls, erosion prone areas, stream restoration, trash reduction, TMDLs, storm water retrofits, drainage, flood protection, asset renewal and replacement, stream maintenance, watershed protection, ground water recharge, and rain/gray water capture, harvesting and reuse capital improvement projects;



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- (10) Inspecting, operating and maintaining City storm water management systems and infrastructure, including but not limited to, streets, storm drains, channels, streams, ditches, natural drainageways and nearshore waters of Oahu;
- (11) Administering grants and partnerships with various stakeholders and other interested groups relating to storm water management systems and infrastructure, storm water quality, drainage, flooding, asset renewal and replacement, stream maintenance, watershed protection, ground water recharge, and rain/gray water capture, harvesting and reuse; and
- (12) Debt service for City funded storm water capital improvements.

Any balance remaining in this fund at the end of the fiscal year shall remain in the fund, accumulating from year to year. The monies in this fund shall not be used for any purpose except those listed in this article.

Sec. 6-___.5 Administration.

The Director of the Department of Budget and Fiscal Services shall be responsible for the administration of the fund in accordance with prescribed laws and procedures applicable to expenditures of City funds.

SECTION 3. Section 14-12.12, Revised Ordinances of Honolulu 1990, ("Connection to city-owned separate storm sewer system – Violation"), is amended by amending subsection (f) to read as follows:

"(3) All license fees shall be deposited into the [~~highway fund~~] storm water special fund."

SECTION 4. Section 14-12.22, Revised Ordinances of Honolulu 1990, ("Discharge of effluent other than storm water runoff – Violation"), is amended by amending subsection (d) to read as follows:

"(d) A fee of \$200.00 shall be required for each permit application. All application fees collected shall not be refundable. When the discharge is performed by or on behalf of the city, state or federal government, the collection of the permit fee shall be waived. All permit fees shall be deposited into the [~~highway fund~~] storm water special fund."



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SECTION 5. Section 14-12.28, Revised Ordinances of Honolulu 1990, ("Violation provisions"), is amended by adding subsection (c) to read as follows:

"(c) Depository of Administrative, Civil and Criminal Penalties.

Payments of administrative, civil and criminal penalties are to be deposited into the storm water special fund."

SECTION 6. Section 14-13.6, Revised Ordinances of Honolulu 1990, ("Erosion and sediment control plans"), is amended by amending subsection (d) to read as follows:

"(d) Prior to accepting an erosion and sediment control plan for review, the director must collect an erosion and sediment plan review fee of \$250.00. If the director requires revisions or alterations to a proposed erosion and sediment control plan, a separate plan review fee of \$100.00 must be collected prior to review of the revised or amended erosion and sediment control plan. If development or land disturbing activities are commenced prior to approval of the related erosion and sediment control plan, the director must collect a double plan review fee for each erosion and sediment control plan reviewed by the department. All fees collected shall not be refundable. All fees for erosion and sediment control plan review are to be deposited into the ~~[general fund]~~ storm water special fund."

SECTION 7. Section 41-26.11, Revised Ordinances of Honolulu 1990, ("Civil fine."), is amended to read as follows:

"Any person who violates any provision of this article shall, upon notice issued pursuant to Section 41-26.12, be deemed to have committed a civil violation and shall be liable for a civil fine not to exceed \$500.00 a day for each day in which such violation persists. All payments of civil penalties and fines are to be deposited in to the storm water special fund."

SECTION 8. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu 1990, the revisor of ordinances need not include the brackets, the material bracketed and stricken material, or the underscoring.



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SECTION 9. This ordinance takes effect upon its approval.

INTRODUCED BY: ²

[Signature]

(br)

DATE OF INTRODUCTION:

MAY 15 2020

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu